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APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/896,990	07/02/2001		Michael John Bader	2001B053 1190	
23455	7590 12/31/2003			EXAMINER	
EXXONMO	DBIL CHE	EMICAL COM	JACKSON, MONIQUE R		
P O BOX 21 BAYTOWN		22-2149		ART UNIT	PAPER NUMBER
DATE TO WIT	, //5/			1773	

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<u> </u>							
	Application No.	Applicant(s)					
Office Author Commence	09/896,990	BADER ET AL.					
Office Action Summary	Examiner	Art Unit					
	Monique R Jackson	1773					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed ys will be considered timely. Ithe mailing date of this communication. ED (35 U.S.C. § 133).					
1) Responsive to communication(s) filed on 01 Oc	<u>ctober 2003</u> .						
2a)⊠ This action is FINAL . 2b)□ This a	action is non-final.						
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4)⊠ Claim(s) <u>15-33</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdraw	4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.	Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>15-33</u> is/are rejected.	Claim(s) 15-33 is/are rejected.						
7) Claim(s) is/are objected to.	Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement.						
Application Papers							
9)☐ The specification is objected to by the Examine	r.						
10) The drawing(s) filed on is/are: a) acce	epted or b) objected to by the	Examiner.					
Applicant may not request that any objection to the	drawing(s) be held in abeyance. Se	e 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correcti	on is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).					
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.					
Priority under 35 U.S.C. §§ 119 and 120							
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of 13) Acknowledgment is made of a claim for domestic since a specific reference was included in the firs 37 CFR 1.78. a) The translation of the foreign language profits 14) Acknowledgment is made of a claim for domestic reference was included in the first sentence of the Attachment(s)	s have been received. s have been received in Applicat ity documents have been received (PCT Rule 17.2(a)). of the certified copies not received priority under 35 U.S.C. § 119(at sentence of the specification of the certification of the specification application has been received to priority under 35 U.S.C. §§ 120	ion No ed in this National Stage ed. e) (to a provisional application) r in an Application Data Sheet. ceived. and/or 121 since a specific					
1) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413) Paper No(s)					
Notice of Nafesences Cited (*10-032) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal F	Patent Application (PTO-152)					

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DETAILED ACTION

1. The amendment filed 10/01/03 has been entered. Claims 1-14 have been canceled. New claims 15-33 have been added. Claims 15-33 are pending in the application. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the first paragraph of 35 U.S.C. 112:
 - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 3. Claims 15-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 15, 25, and 31 recite the limitation "1.5-6μm" for the thickness of the second skin layer however the instant disclosure at the time of filing does not provide support for the 6μm endpoint. The instant disclosure at the time of filing recites a thickness of 1.5-12μm or more specifically 2.5-10μm however there is nothing in the original disclosure to lead one having ordinary skill in the art to an endpoint of 6μm. It-is also noted that Claim 29 recites a thickness of 1.5-3.5μm wherein the 3.5μm endpoint is not supported by the original disclosure. Further, Claim 31 recites a particle size of 3-20μm however the original disclosure at the time of filing recites a particle size of 5-25μm, 7-20μm, or 10-18μm.
- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 17, 21, 24, 26-28 and 30-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "thin layer" in claims 17, 21, 24, 26, 28, 30 and 31 is a relative term which renders the claim indefinite. The term "thin" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

6. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 33 recites the limitation "further comprises a fourth polymeric material" however it is noted that there is no recitation of a first, second or third polymeric material.

Response to Arguments

- 7. Applicant's arguments filed 10/01/03 have been considered but are moot in view of the new ground(s) of rejection.
- 8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 703-308-0428. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 703-308-2367. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Monique Jackson

Primary Examiner

Technology Center 1700

December 29, 2003